

**Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: AB 218 - Employment Applications: Criminal History	REFERENCE NUMBER: 2014-017
DATE ISSUED: 07/01/14	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors
Equal Employment Opportunity Officers
Labor Relations Officers**

FROM: Department of Human Resources
Personnel Management Division

CONTACT: Personnel Management Division
(916) 324-9381
Fax: (916) 327-1886

The purpose of this memorandum is to provide guidance on the implementation of AB 218 (Dickinson, 2013) which adds section 432.9 to the Labor Code effective July 1, 2014.

Labor Code section 432.9 prohibits a state or local agency (departments) from asking an applicant to disclose information regarding criminal conviction history until after the department has determined the applicant meets the minimum qualifications for the position. This prohibition does not apply: (1) to a position for which the state employer is otherwise required by law to conduct a criminal conviction history check; (2) to any position within a criminal justice agency; or (3) to any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.

Departments should review their screening process with their respective Human Resources Office and/or legal staff.

If you have any questions regarding this PML, please contact your departmental Personnel Management Division Personnel Program Consultant.

/s/ Rosemary E. Sidley

Rosemary E. Sidley, Chief
Personnel Management Division